

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

VIRTAMOVE, CORP.,

Plaintiff,

v.

HEWLETT PACKARD ENTERPRISE
COMPANY,

Defendant.

§ Case No. 2:24-cv-00093-JRG
§ (Lead Case)
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JURY TRIAL DEMANDED

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VIRTAMOVE, CORP.,

Plaintiff,

v.

INTERNATIONAL BUSINESS MACHINES
CORP.,

Defendant.

§ Case No. 2:24-cv-00064-JRG
§ (Member Case)
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JURY TRIAL DEMANDED

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**DECLARATION OF YIMENG DOU IN SUPPORT OF INTERNATIONAL BUSINESS
MACHINES CORP.'S OPPOSITION TO VIRTAMOVE'S MOTION FOR PARTIAL
SUMMARY JUDGEMENT OF NO PRE-SUIT WILLFUL INFRINGEMENT AND NO
PRE-SUIT INDUCED INFRINGEMENT**

I, Yimeng Dou, hereby declare:

1. I am a partner at the law firm of Kirkland & Ellis LLP, counsel for Defendant and Counter-Plaintiff International Business Machines Corp. (“IBM”) in the above-styled matter. I am a member of the Bar of the State of California, and am admitted to practice in the Eastern District of Texas since 2016. I provide this declaration in support of IBM’s Opposition to VirtaMove’s Motion for Partial Summary Judgment of No Pre-Suit Willful Infringement and No Pre-Suit Induced Infringement. I have personal knowledge of the information set forth herein, and I could and would competently testify thereto if called as a witness.

2. Attached hereto as **Exhibit 1** is a true and correct copy of excerpts from IBM’s June 4, 2025 Corrected Supplemental Objections and Responses to Plaintiff’s Interrogatories (Nos. 1, 2, 5, 6, 8, 9, 10, 11, 12, 13, 19, and 21) and Objections and Responses to Plaintiff’s Sixth Set of Interrogatories (No. 22).

3. Attached hereto as **Exhibit 2** is a true and correct copy of United States Patent No. 9,722,858.

4. Attached hereto as **Exhibit 3** is a true and correct copy of United States Patent No. 8,943,500.

5. Attached hereto as **Exhibit 4** is a true and correct copy of United States Patent No. 9,697,038.

6. Attached hereto as **Exhibit 5** is a true and correct copy of United States Patent No. 10,606,634.

7. Attached hereto as **Exhibit 6** is a true and correct copy of a recorded patent assignment regarding the Havemose Patents from Open Invention Network to IBM which is bates stamped IBM_VM_000022870.

8. Attached hereto as **Exhibit 7** is a true and correct copy of excerpts from VirtaMove's May 29, 2025 Responses to IBM's Requests for Admission (Nos. 36-40).

9. Attached hereto as **Exhibit 8** is a true and correct copy of excerpts from Nigel Stokes's May 21, 2025 Deposition Transcript.

10. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts from Greg O'Connor's May 15, 2025 Deposition Transcript.

11. Attached hereto as **Exhibit 10** is a true and correct copy of excerpts from Donn Rochette's May 5, 2025 Deposition Transcript.

12. Attached hereto as **Exhibit 11** is a true and correct copy of excerpts from Paul O'Leary's May 14, 2025 Deposition Transcript.

13. Attached hereto as **Exhibit 12** is a true and correct copy of excerpts from Dean Huffman's May 21, 2025 Deposition Transcript.

14. Attached hereto as **Exhibit 13** is a true and correct copy of excerpts from Walter Falk's May 13, 2025 Deposition Transcript.

15. Attached hereto as **Exhibit 14** is a true and correct copy of excerpts from Mac Devine's May 29, 2025 Deposition Transcript.

16. Attached hereto as **Exhibit 15** is a true and correct copy of excerpts from VirtaMove's May 29, 2025 8th Supplemental Objections & Responses to IBM 1st Set of Interrogatories (Nos. 1-25).

17. Attached hereto as **Exhibit 16** is a true and correct copy of excerpts from VirtaMove's May 29, 2025 Supplemental Objections and Responses to IBM's Second Set of Interrogatories (Nos. 26-39).

18. Attached hereto as **Exhibit 17** is a true and correct copy of Dr. Wicker's June 23, 2025 Opening Counterclaim Expert Report Regarding VirtaMove's Infringement of U.S. Patent Nos. 8,943,500, 9,697,038, 9,722,858, and 10,606,634.

19. Attached hereto as **Exhibit 18** is a true and correct copy of excerpts from Dr. Stephen Wicker's July 17, 2025 Deposition Transcript.

20. Attached hereto as **Exhibit 19** is a true and correct copy of excerpts from Dr. Allan Havemose's May 13, 2025 Deposition Transcript.

21. My firm has applied highlighting to Exhibits 1, 7-8, and 17-19 consistent with the guidance in Local Rule CV-7(b) and CV-56(d).

I declare under penalty of perjury that the foregoing is true and correct. Executed this 11th day of August, 2025 in Costa Mesa, CA.

/s/ Yimeng Dou
Yimeng Dou

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system pursuant to Local Rule CV-5(a)(3) on August 11, 2025.

/s/ Todd M. Friedman

Todd M. Friedman